

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

AUG 23 2021
CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY _____, DEPUTY

Dennis Ray Rigsby Junior,

(Enter the full name of the plaintiff.)

v.

CIV-21-835-SLP
Case No. _____
(Court Clerk will insert case number)

- (1) Shellie Simmons,
- (2) Turn Key Health,
- (3) custer county sheriffs office.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$402 (including a \$350 filing fee and a \$52 administrative fee). The complaint will not be considered filed until the Clerk receives the \$402 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$402 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

Amendment VIII, Amendment XIV

II. State whether you are a:

- Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Pretrial detainee
 Immigration detainee
 Civilly committed detainee
 Other (please explain) had pretrial

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Doctor Marlar, Oklahoma State prison

Doctor pain of C.C.A @ C.C.F

b. Court and docket number: western district of oklahoma CIV-21-0316-G

c. Approximate date of filing: April 08, 2021 after death

d. Issues raised: medical malpractice

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 2

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Jr. o/c

Defendant(s): Advanced correctional medical

b. Court and docket number: western district CIV-21-0573-6

c. Approximate date of filing: June 04, 2021 after death

d. Issues raised: medical malpractice

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 3

- a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Sgt. Quater/cpl. Hayes Oklahoma State
prison/department of corrections

- b. Court and docket number: western district CIV-21-0574-6

- c. Approximate date of filing: June 04, 2021 after death

- d. Issues raised: Violation of Amendment VIII

- e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): Pending

- f. Approximate date of disposition: Pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 4

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Jr

Defendant(s): Great state of Oklahoma/Great State of California

b. Court and docket number: western district CIV-21-0575-G

c. Approximate date of filing: June 04, 2021 after death

d. Issues raised: Violation of Amendment V to twice
put in jeopardy life...

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): Pending

f. Approximate date of disposition: Pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for page 3 of 8

II. State whether you are a:

- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Pretrial detainee
- Immigration detainee
- Civilly committed detainee
- Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 5

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Custer County Oklahoma / Indigent defence

System / Richard L. Yohn Sr. / James Reedy

b. Court and docket number: western district ciJ-21-0576-G

c. Approximate date of filing: June 04, 2021 after death

d. Issues raised: Amendment V violations in 5 ways

Amendment I violations in two ways

Amendment VI violations(s)?

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): Pending

f. Approximate date of disposition: Pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on Sol 3 of 8

~~II.~~ State whether you are a:

- Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Pretrial detainee
 Immigration detainee
 Civilly committed detainee
 Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 6

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): California youth Authority via

Chicago because statute of limitations

b. Court and docket number: western district civ-21-666-6

c. Approximate date of filing: June 29, 2021 after death

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for 3 of 8

III. Previous Federal Civil actions or Appeals

1. Prior civil action/appeal number 7

a. Parties to previous lawsuit:

Plaintiff: Dennis Ray Rigsby Junior

Defendant(s) custer county oklahoma/Great State
of Oklahomab. court and docket number: western district of
oklahoma CIV-21-667-6c. Approximate date of filing: June 29, 2021 after
deathd. Issues Raised: Violation of Amendment VI
of fast and speedy trial

e. Disposition: pending

f. Approximate date of disposition: pending

Prior civil action/Appeal number 8

a. Parties to previous lawsuit

Plaintiff: Dennis Ray Rigsby Junior

Defendant(s): Great state of Arkansas public defender
Parker, Great state of Oklahomab. court and docket number: western district of oklahoma ~~DN/A~~ CIV-21-760-Rc. Approximate date for filing ^{8-4/} 5/2021 after death...

d. Issues raised: Violations of Amendment VI

Amendment V Amendment VIII Amendment XIV

e. Disposition: pending

f. Approximate date of disposition: pending

V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures before filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.
 - If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

- (1) List the right that you believe was violated:

inadequate medical care

Amendment XIV, Amendment VIII

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Shellie Simmions, Custer County

Sheriffs office, Turn Key Health

(1)

Add on continued from (3) Page 7 of 8

nurse on a video chat was nurse practitioner Shelly Simmons; i asked her about my back injury that when i am active/workout i have thinking/memory issues and my injury has never been diagnosed she refused me care to get it diagnosed to see if it can be corrected and told me to "not work out" It being a fact to be active for 3 hours a week or more being healthy for humans and in a lot of ways.(see attached) sick call request form. Shelly told me "to get medical care when i get out". I have a right to medical care now that i am not getting.

I was seen before all this by the nurse practitioner and i took a vow of silence and was not talking Turn key health nurse Angie let me write my issue but then got mad and not let me have the paper and pen. I have a Amendment I right to freedom of religion so my right to correct medical should not be took because i was not talking "that day".(See attached)

(2)

Add on contained for page 7 of 8
paperwork! Because my injury being old
that being not a reason to not give
me the medical help i need. Shelly
Simmons when she will not send me to
a specialist for my back injury is in
disregard to my health. It being
a fact that being active/working out
has "many" health benefits. Also my
pain i have from the injury she shelly
Simmons being in disregard to my
rights as a human born in the United
States with rights.

I asked nurse Ana here at custer
county jail for the nurse's name that seen
me on 6-8-5-2021 after death and she ana said
she "dont know". That name of her(?) goes on
page ① of this add on for page 7 of 8
in the blank spot. I dont know if Shelly
Simmons that works for Turn Key health
records the video chat/face time or
not? I would like that subpenord when
i tryed to get her to give me medical
care she stated "we are done". I put in
request to staff and grievance.

because my injury being old don't mean that tests that has never been done upon me could help to see if it can be fixed, and testify to the memory/thinking issues I suffer in my criminal case to protect my Liberties and freedoms. My Bill of Rights are being violated over and over by the justice system.

I will keep documenting truth; need the federal government to enforce the protection of my rights! ... , (See) Article VI [2] of the United States Constitution! Also Article VI [3] It being written in our United States constitution about "executive and "Judicial Officers" Shall be bound by oath or affirmation, to "Support our Constitution" (writing Plaintiff's) Definition of "Support" being... 1. To bear the weight or stress of; uphold; sustain. 2. To endure; bear; undergo; suffer; tolerate. 3. To encourage; aid; help. 4. To maintain; provide for. -n. 1. Act or operation of

(4)

supporting. 2. one that supports. I Plaintiff asks the court to "aid" and "help" Plaintiff get his Amendment XIV right to the equal protection of the laws! Plaintiff being in the jurisdiction of the United States of America by his *jus soli* and *jus sanguinis* of Social Security number 553-75-3782 date of birth being 2/17/1983 after death of our Lord of lords in the Great State of California in the City of Durate. Plaintiff's *jus sanguinis* by mother Judy Ruth Mullin^{Ist} date of birth 9/5/1953 after death of our King of Kings in Pampa, Texas.

Plaintiff should not have to provide the science of health benefits that being active/working out provides to qualify to a human being life. I also should not have my right to Amendment VIII violated of pain if a specialist doctor can help me.... because of the cost of treatment!

If you do the research math of the

(5)

population of inmates the average in the United States that needs to go see a specialist and those in jail/prison would be way lower due to the medical providers trying to save money. This being wrong. When a HUMAN Being is confined and in custody and can't go get medical help. Then he being not told what he can do to get help. He has to find out on his own when we are supposed to be civilized nation. Some medical issues are life and death. I have cognitive issues and I tell medical try to get help and get turned down and still released to the public. Now i am in jail and get the same medical provider issues. I need the authority to get me the help i need. I have lied before yet i am not a liar i love the truth.... He being my God Jesus Christ...

- (3) List the supporting facts:

In the custer county Jail on (8-5-2021 after death-) I was brought by officer Maynard to bookings medical room with officer Jeff standford nurse ana was there and another

- (4) Relief requested: (State briefly exactly what you want the court to do for you.)

\$8120.00 to be sent to a specialist for my back injury to get it diagnosed and to know if it can be fixed? A M.R.I on my back. To pay filing fees for this complaint.

2. Claim II:

- (1) List the right that you believe was violated:

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

(3) List the supporting facts:

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Dennis Ray Riggs
Plaintiff's signature

(8-5-2021 after dark)
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 18th day of August, 2021.

Dennis Ray Riggs
Plaintiff's signature

(8-18-2021 after dark)
Date